

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**HENRY BOYD, JR.; DOROTHY  
BISHOP; and KAREEM EL-AMEEN,  
individually and on behalf of all others  
similarly situated**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:06cv548HTW-LRA**

**HALEY BARBOUR, GOVERNOR OF THE  
STATE OF MISSISSIPPI; JIM HOOD,  
ATTORNEY GENERAL OF THE STATE  
OF MISSISSIPPI; and ERIC CLARK,  
SECRETARY OF STATE OF MISSISSIPPI,  
members of the Mississippi State Board of  
Election Commissioners; LUCY CARPENTER,  
Circuit Clerk and Registrar for Marshall County,  
Mississippi; ANGIE MCGINNIS, Circuit Clerk  
and Registrar for Oktibbeha County, Mississippi;  
ROGER GRAVES, Circuit Clerk and Registrar  
for Pike County, Mississippi, on behalf of himself  
and all others similarly situated; and AUDREY  
JENKINS, ARTIST ROBBINS, SHIRLEY  
FITZGERALD, MELODY WHITE and  
LYNN WELLS, members of the PIKE  
COUNTY, MISSISSIPPI BOARD OF  
ELECTION COMMISSIONERS, on behalf of  
themselves and all others similarly situated**

**DEFENDANTS**

**DEFENDANTS' MOTION TO DISMISS COMPLAINT**

**COMES NOW** the Defendants<sup>1</sup>, Haley Barbour, Governor of the State of Mississippi, Jim Hood, Attorney General of the State of Mississippi, and Eric Clark, Secretary of State of the State of Mississippi [collectively referred to as “the State Defendants”], and file their Motion to

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<sup>1</sup> Although the Mississippi Attorney General only represents those Defendants named herein, the arguments presented in the State Defendants' Memorandum of Authorities apply equally to all Defendants.

Dismiss Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.<sup>2</sup> Pursuant to the Memorandum of Authorities accompanying this Motion, the arguments presented and incorporated therein and the exhibits attached thereto, the State Defendants respectfully request that this Court grants their Motion.

Wherefore, premises considered, the State Defendants respectfully requests that this Court GRANT the present Motion to Dismiss Complaint.

Respectfully submitted, this the 25<sup>th</sup> day of October, 2006.

By: JIM HOOD, ATTORNEY GENERAL

s/ Shawn S. Shurden

SHAWN S. SHURDEN, MSBN 99678  
SPECIAL ASSISTANT ATTORNEYS GENERAL  
CIVIL LITIGATION DIVISION

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<sup>2</sup>In addition to the arguments made in the Memorandum of Authorities accompanying this Motion, the State Defendants incorporate by reference herein the arguments contained in the State Defendants' Reply in Opposition to Motion to Convene Three-Judge Court, Reply in Opposition to Motion for Preliminary Injunction and Reply in Opposition to Motion for TRO which will be filed in the immediate future. Notably, the State Defendants will raise the doctrine of laches as barring the requested relief.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Carroll Rhodes, Esq.  
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Deborah A. McDonald, Esq.  
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I hereby certify that I have mailed by United States Postal Service the forgoing document to the following non-ECF participants:

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Wayne Dowdy, Esq.  
Pike County Board Attorney  
Post Office Box 30  
Magnolia, Mississippi 39652

This 25<sup>th</sup> day of October, 2006.

s/ Shawn S. Shurden  
SHAWN S. SHURDEN